

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Kerrie Lee,

Plaintiff,

v. Case No. 14-10664

Wal-Mart Stores, Inc., Sean F. Cox
Defendant. United States District Court Judge

ORDER DISMISSING CASE FOR LACK OF STANDING

Plaintiff Karrie Lee (“Plaintiff” or “Lee”) filed this premises liability action against Defendant Wal-Mart Stores, Inc. (“Defendant” or “Wal-Mart”), after Lee slipped and fell on snow and ice while entering one of Wal-Mart’s retail stores. The matter came before this Court on Defendant Wal-Mart’s “Motion for Summary Judgment and Motion to Dismiss.” As explained in this Court’s Opinion & Order issued on December 17, 2014, Lee lacks standing to bring this action against Wal-Mart because the incident occurred prior to Lee’s Chapter 7 bankruptcy (Bankruptcy Case No. 13-48513) and Lee failed to list this action as an asset. If a claim against Wal-Mart exists based on the incident at issue, that claim belongs to the bankruptcy estate and can only be brought by the Trustee.

Under the circumstances presented, this Court stayed this action for a period of sixty days, ordering as follows:

For the reasons set forth above, **IT IS ORDERED** that this action is **STAYED until February 16, 2015**, so that Lee may file a motion asking the Bankruptcy Court to reopen Lee’s bankruptcy case, if she chooses to do so.

IT IS FURTHER ORDERED that no later than **February 16, 2015**, Lee shall file a memorandum of no more than five pages, advising the Court as to the

status of Lee's bankruptcy case. If Lee has not filed a motion seeking to reopen Lee's bankruptcy case by that date, this Court shall dismiss this action due to Lee's lack of standing.

IT IS SO ORDERED.

(Docket Entry No. 20 at 5).

Although Plaintiff was ordered to file a memorandum advising the Court as to the status of the bankruptcy case by February 16, 2015, to date no memorandum has been filed. Nevertheless, the docket for Case No. 13-48513 in the Bankruptcy Court for the Eastern District of Michigan reflects that Lee has not filed a motion (or taken any other action) to reopen her bankruptcy case. The Court therefore **ORDERS** that this action is **DISMISSED WITHOUT PREJUDICE** because Lee lacks standings to bring this action.

IT IS SO ORDERED.

S/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: February 27, 2015

I hereby certify that a copy of the foregoing document was served upon counsel of record on February 27, 2015, by electronic and/or ordinary mail.

S/Jennifer McCoy

Case Manager